

ORDINANCE NO. 2009-22

**AN ORDINANCE RELATING TO SITE PLAN
REVIEW REGULATIONS FOR THE TOWN OF LODI**

The Town Board of Supervisors of the Town of Lodi do hereby ordain as follows:

1. Section 11.23 of the Town of Lodi Code of Ordinances is hereby repealed and recreated to read as follows:

“SECTION 11.23 SITE PLAN REVIEW

(a) Purpose and Intent.

This Section provides minimum regulations, provisions and requirements for safe, aesthetically pleasing design and quality standards for improvements to land other than single-family or two-family residential dwellings, agricultural structures, or accessory buildings. Its purpose is to protect and foster public health, safety and welfare. In addition, this Section is intended to encourage commercial, industrial, agriculture, and business development in the Town of Lodi that is consistent with the desire to preserve the rural character of the Town, while providing a diversified tax base to help make the Town more affordable. This Section is implemented under Town authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; to assist in the full implementation of the Town’s Comprehensive Plan; and fulfill its vision to preserve productive farmland, precious wetlands, shoreland areas, sheltering woodlands, wildlife habitats, open spaces and scenic views.

(b) Scope Of Site Plan Review Authority.

The following developments shall be subject to site plan review:

- (1) Any commercial development, including but not limited to offices, retail, and commercial service.
- (2) Any industrial development, including but not limited to manufacturing, trucking, and warehousing.
- (3) Any multiple family residential developments, including any building with three or more dwelling units.

- (4) Any development of public utility, institutional, or governmental facilities, as may be limited by Wisconsin Statutes.
- (5) Any designated parking area including five or more parking spaces associated with the above developments, or as required by Columbia County.
- (6) Any upgrade or addition or change to the exterior of any of the above developments that results in an increase in the building floor area that is 25 percent or greater than the current floor area.

(c) **Site Plan Review Procedure.**

- (1) **Application.** Applications for building permits for any construction, expansion or conversion of structures other than single family or two-family residences, agricultural structures or agricultural accessory buildings shall require site plan approval from the Town Board, upon recommendation of the Plan Commission, in accordance with the requirements of this Section. The applicant shall submit 13 sets of site plans, including specifications of proposed structures, machinery and uses to enable the Town Board, Plan Commission or their expert consultants to determine whether the proposed application meets all requirements applicable to this Section. Applicants may meet with Town staff to review site plan issues prior to the submission of site plans.
- (2) **Site Plan Application Submittal Requirements.**
 - (A) Site plans shall be prepared in recognized architectural scale. Scale of plan, site size, building area and lot coverage, and north arrow shall be shown. Site plans shall include the area surrounding the proposed development at the same level of detail as the site plan. The site plan shall show the relationship of the proposed development of the site to the surrounding streets, buildings, lots, parking, landscape, topography and any other important features.
 - (B) Document title, date prepared, applicable Owner's and Developer's names and addresses noted. Where applicable, names and addresses of all professionals involved in any preparation of the design plans shall be provided.
 - (C) Existing and proposed topography shown at a contour interval of not less than two feet indicating proposed grade on a preliminary grading plan and the location of proposed improvements.
 - (D) Building and yard setback lines indicated.
 - (E) Locate all outdoor lighting proposed to illuminate the site. Provide lighting type and product information.

- (F) Indicate and locate all electrical and other easements on the subject property.
- (G) Locate existing and general location of proposed municipal services and proposed connection locations, if applicable.
- (H) Locate any proposed stormwater management facilities, including retention/ detention areas.
- (I) Identify existing and proposed road names.
- (J) Locate existing and proposed public and private road rights-of-way.
- (K) Show all drives, curb cuts, and ingress/egress locations.
- (L) Identify and show the locations of all driveways on adjoining property within 200 feet of the subject project.
- (M) Identify parking area and show number of spaces.
- (N) Show location and type of proposed and existing landscaping plantings and buffer areas for adjoining properties.
- (O) Show pedestrian sidewalks and walkway locations.
- (P) Sketch outline of any development phasing plan.
- (Q) Provide a written project summary including operational information, construction schedule and estimate of project value (including all site improvement costs).
- (R) Provide building elevations, drawn to scale, showing building materials to be used.
- (S) List external building materials and note building front design standards identified in this ordinance.
- (T) Where applicable, 100-year recurrence interval floodplain and floodway shall be indicated.
- (U) Where applicable, wetlands as delineated in the WDNR Wetland Inventory and a 75 foot setback line from such wetlands shall be shown.
- (V) When proposed buildings are located within 100 feet of an existing building, the elevation of the existing building shall be included in the site plan at the same scale and level of detail.

- (W) Where applicable, show Columbia County Shoreland and Wetland Zoning setbacks and restrictions.

(3) **Administration.**

- (A) Upon requesting a building permit, the Applicant shall be advised by the Town Clerk-Treasurer if a site plan review is required. If required, a copy of this ordinance and a site plan review application shall be provided to the Applicant.
- (B) The Plan Commission, or its designee, shall make a preliminary review of the application and site plan. This review shall determine if the application is complete. If complete, a report of findings, along with the application and site plan shall be submitted to the Plan Commission, a minimum of one month prior to the Plan Commission meeting. If incomplete, the Applicant shall be notified and advised of items missing or incomplete. Appearance before the Plan Commission shall not be scheduled unless it has been determined that the application meets all submittal requirements. Within 60 days of receipt of the complete application, the Town Board, acting upon recommendation of the Plan Commission, shall authorize the Building Inspector, or designee, to issue or reject a building permit.
- (C) As a part of the building permit issuance process, the site plan application shall be reviewed by the Plan Commission, which may consult with any professional consultants retained by the Town for such purpose, at Applicant's expense.
- (D) Upon approval of the application, compliance with all applicable conditions and other Town Ordinances, and execution of a development agreement if required, the Building Inspector, or designee, may issue or reject a building permit.
- (E) The applicant shall comply with all applicable Town, Sanitary District and Utility District services agreements and escrow account requirements as a condition of review under this Ordinance.

(4) **Site Plan Review Standards.** In acting on any site plan, the Plan Commission and Town Board shall consider the following:

- (A) The layout of the site with regard to ingress and egress to public streets, the arrangement and improvement of interior traffic patterns, roadways/driveways; the location of areas for parking and for loading and unloading. The traffic pattern shall be designed to minimize traffic hazards.

- (B) The layout of the site with regard to bicycle and pedestrian accommodation. This shall include the following characteristics:
 - (i) Mixed use buildings shall emphasize pedestrian orientation by utilizing walkways and similar elements.
 - (ii) Pedestrian connections should be provided between buildings and adjoining sites.
 - (iii) Pedestrian connections should be provided between parking areas and buildings.
 - (iv) Mixed use buildings shall incorporate bicycle racks on an improved surface near a primary entrance and be properly lit.
- (C) The adequacy of the proposed water supply, drainage, sanitary and waste disposal services.
- (D) The landscaping and appearance of the completed site. This shall include requirements for building design and any trees, shrubs, plants or grass lawns, and screening, so as to not impair the value of adjacent properties nor impair the intent of this Section.
- (E) The adequacy of erosion control and stormwater management approaches.
- (F) The relationship to the Town Comprehensive Plan, any applicable adopted Town design guidelines Official Map, and other Town ordinances.
- (G) Any Columbia County ordinances that may apply, including but not limited to zoning, subdivision, and shoreland/wetland regulations.
- (5) **Effects of Public Service.** Prior to approval of the application, the Plan Commission and Town Board may obtain advice from the Building Inspector, professional consultants, or others, including whether development of the property in the manner set forth in the site plan will place additional impacts upon existing municipal services and utilities. Should additional facilities be needed, the Town Board shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities at the Applicant's expense.
- (d) **Site Plan Design Standards.**
 - (1) **Grading.** Grading shall:

- (A) insure a positive drainage consistent with established water runoff patterns in the area;
 - (B) allow for installation and maintenance of appropriate landscape materials;
 - (C) allow for natural topography to be maintained in the development of the site;
 - (D) provide screening of unpleasant views;
 - (E) comply with grading standards identified in Chapters 10 and 11 of this Code of Ordinances, and with other stormwater management and erosion control regulations promulgated by the Town, Columbia County, and the Wisconsin Department of Natural Resources.
- (2) **Landscaping Standards and Objectives.** Landscape standards recognize the functional importance of, and the public benefits associated with a well-designed landscaped area which enhances landscape features in the visual environment, promotes public safety, moderates the microclimate and reduces nuisances, such as noise and glare. All landscaping shall be in harmony with the community character as described in the Comprehensive Plan, the design of the site and buildings, and the character and uses of adjacent properties. The standards set forth below fulfill those objectives.
- (A) Landscaping Standards.
- (i) **Planting Plan:** Applicants shall have professionally designed a Landscape Planting Plan that most effectively achieves the desired aesthetic results. The Landscape Planting Plan shall show any parking lot tree islands or perimeter plantings, all materials to be planted and list the plant type and size at time of planting and maturity. Plan and landscape material shall be selected and sited to reflect both ornamental and functional characteristics.
 - (ii) **Approved Materials.** The Applicant may use decorative fences, earth berms, ground covers, and existing vegetation and shrubs of a mature height of not less than 2 feet, except for unsuitable species described below. These features shall contribute to the overall landscaping objectives. The scale and nature of landscape materials shall be appropriate to the site and structure and shall be regularly maintained.
 - (iii) **Irrigation.** Irrigation systems shall be designed as not to overspray public walks, paved areas and buildings.

(iv) Existing Trees. The preservation of desirable existing trees is strongly encouraged, and techniques to preserve them during construction shall be indicated on the Landscape Planting Plan.

(v) Unsuitable Species: Several shrubs and trees, which are not native to Wisconsin, have an established a history of spreading to nearby parks and conservancy areas. These non-native plants tend to become overly abundant and ultimately eliminate many desirable native species. The control and eradication of these unsuitable plants creates a costly management problem. The following species of plant material are unsuitable for use as landscape plants:

- Honeysuckle (Lonicera x-bella, Lonicera morrowi, Lonicera tartarica)
- Buckthorn (common), Rhamnus cathartica
- Tall hedge Buckthorn, Rhamnus frangula
- Norway Maple, Acer platanoides
- Boxelder, Acer negundo
- Cottonwood, Populus deltoids
- White poplar, Populus alba
- Purple loosestrife, Lythrum salicaria

(B) Tree Islands and Planted Areas. All landscaped islands within parking lots and landscaped areas with trees shall be a minimum of 4 feet in width as measured from the inside of any curb or frame.

(3) **Screening Standards.**

(A) Parking Areas. Parking areas shall be planned and landscaped to provide a screened buffer for the purpose of obstructing light beams and reducing noise nuisances, providing adequately screened spaces for the designated parking use, and blending with the overall desired community appearance.

(i) Landscape buffering shall be provided around:

- a. Perimeters adjacent to public rights-of-way;
- b. Interior areas and immediate perimeters to the parking area; and
- c. Perimeters of lots adjacent to other property.

(B) Off-Street Parking and Loading Areas.

- (i) All loading areas, and open off-street parking areas for five or more vehicles, will require the planting of trees. The standards are designed to enhance the visual environment, promote public safety, and reduce nuisances such as noise and glare.
- (ii) All off-street vehicular parking areas with five or more vehicles shall be accompanied by the planting of canopy trees at a rate of 1 canopy-type tree for each 10 parking spaces. Canopy trees shall be located in protected tree islands within the parking lot or within 15 feet of the periphery of the parking area surface.

(C) Adjacent Residence Screening. A screened parking barrier for the purpose of obstructing light beams and reducing noise nuisances shall be provided for sites having off-street parking areas for five or more vehicles within 25 feet of an adjoining lot line facing any lands zoned or used for residential purposes. The parking barrier shall have a minimum height of four feet above the surface of the parking area. Barrier may consist of wood or masonry fencing, walls, a berm, or the use of dense, all-season plant material. Plant materials used for screening shall be of suitable size and density to accomplish the screening objective within three years from the time of planting.

(D) Industrial and Commercial Parking Lot and Loading Area Buffering. A landscaped parking lot and loading area buffer has the purpose of achieving desired aesthetic and environmental results from both within the interior and along the perimeter of parking areas. This is accomplished by planting perimeter landscaping, and/or tree islands in required parking areas. The following standards apply:

- (i) Buffer the parking area effectively from views from public rights-of-way and public recreation sites.
- (ii) Comply with landscape requirements in this Section, and reference any design guidelines adopted for the particular part of the Town.
- (iii) Designs should strive for some level of diversity in utilizing landscape elements. This may include some combination of trees and shrubs, fence and landscape berms.
- (iv) Plans for parking areas shall indicate snow storage areas.

(E) Mechanical Equipment, Loading Docks, Storage, Service and Trash Areas. Mechanical equipment, loading docks, outdoor storage areas,

service areas, and trash areas shall be screened for the purpose of providing a desirable aesthetic view and reducing loading area noise. Evergreen trees and shrubs, walls with materials related to and compatible with the building, or some combination, shall be used for screening. Outdoor trash bins shall be located within a trash enclosure that is integrated into the overall site and building design.

- (4) **Building Design.** Any new construction or exterior improvement to real property that is within the scope of this Section, and for which application for a building permit is required, shall comply with the following criteria:
- (A) Buildings shall be designed to complement the immediate neighborhood and rural character of the Town.
 - (B) Building design shall be of high quality, and shall address requirements stipulated by other Town ordinances and recommendations of adopted design guidelines.
 - (C) Materials shall be of high quality, with low-maintenance materials preferred. For example, this could include brick, native stone, bevel siding or other similar high quality materials.
 - (D) Colors shall be harmonious with other buildings in the neighborhood and/or with the rural setting.
 - (E) Buildings shall have an attractive and obvious front or entrance facade. All facades facing public streets shall be of similar quality.
 - (F) Building facades visible from public streets shall be designed to have no more than 50 feet in length that is unbroken by changes in colors, materials, wall heights, architectural details, and/or window placements. Blank facades shall be prohibited.
 - (G) Building elevations shall be designed to blend with the surrounding natural and built environment.
 - (H) Additions shall relate to the existing building in terms of scale, materials, and color, in order to be visually pleasing and to blend with the natural environment, unless the Town Board determines that certain upgrades are warranted to meet the objectives of the Comprehensive Plan or design guidelines for the area.
 - (I) The architectural design of any outbuilding or accessory structure shall be compatible with the primary building.

- (J) No building shall have a footprint greater than 5,000 square feet. Footprints up to 7,000 square feet may be approved where landscaping, unique architectural features or other site factors are found to mitigate the visual impact of the building or the character of the surrounding area.
- (K) No building shall be higher than thirty-five (35) feet as measured by a verticle line drawn from the building's lowest exposed ground level elevation to a point equal in elevation to the building's highest elevation.

(5) **Building Relationships.**

- (A) New developments shall consider activities on adjacent properties with relationship to access from abutting roads, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.
- (B) In the development of the site, areas with high visibility to residential units shall be landscaped in a manner complementary to the building forms.
- (C) The relationship of any building to the public street should be completed in a manner that presents a properly located structure. The following standards shall apply to corner lots:
 - (i) Corner lot setbacks can be measured from either street.
 - (ii) Driveway entrances shall be located a maximum distance from the intersection.
 - (iii) For mixed use developments that face a street or driveway intersection, the building should be developed to include a modest articulation of the building mass at the corner, or utilize special architectural features.
- (D) Building should be oriented with an acceptable face to the street. For water front property, there should be an acceptable face from both the street and the lake.
- (E) Energy conservation shall be considered in the orientation of buildings with respect to the sun where possible.
- (F) Buildings shall be oriented to minimize their impact on the adjacent properties.

- (G) Adjoining properties are encouraged to develop shared facilities such as driveways, parking areas, and pedestrian amenities.
- (6) Maximum Impervious Surface Area Coverage
 - (A) Impervious surface area shall be limited to 50% of the total lot area.
 - (B) Impervious surface shall include the building foot prints, driveway, and any of the hard surface area on the site.
 - (C) Use of permeable surfaces are encouraged (pavers, porous asphalt, etc.) and if used, will not be included in the impervious surface calculations.
 - (D) Outbuildings factor into the determination of impervious surface area calculations.
- (7) **Lighting.**
 - (A) Exterior illumination shall be provided, as appropriate, to illuminate building facades, illuminate building identification signage if desired, ensure safety of the property, illuminate parking and service areas, and minimize light spill over onto adjacent properties, the public right-of-way, navigable waters, and the night sky.
 - (B) Deflective lighting styles (90 degree downcast, cutoff fixtures) shall be utilized to avoid light shining onto neighboring property, public rights of way, navigable waters, and the night sky.
 - (C) Illumination should achieve a lighting level of 1 foot candle at entries and parking areas unless located adjacent to a property line. Exterior lights shall not have more than 0.5 footcandle intensity at the property lines.
 - (D) Illumination shall be the minimum necessary to meet security and safety considerations of the property or to illuminate signage, parking or service areas during the hours of usage but not create a nuisance for adjoining property owners.
 - (E) Mercury vapor lamps and metal halide lamps using mercury shall not be used unless a variance is requested due to requirements for accurate color rendition. Fully shielded fixtures shall be used.
 - (F) The height of the luminaries shall be in scale with the building and site design and in no case shall exceed the height of 18 feet.

- (G) No outdoor signage shall be permitted that blinks, revolves, flashes, or changes intensity.

(8) **Utilities and Stormwater.**

- (A) It shall be the goal of the Town to eliminate overhead wiring within the Town. New development and major additions shall make provision for underground service.
- (B) All development shall connect to the public sanitary sewer and water system, if present.
- (C) In all developments, utility cabinets and meters shall be screened using appropriate materials that do not detract from the aesthetic appearance of nearby structures.
- (D) Stormwater runoff to lakes and streams shall not be directly discharged but must be detained by means of rain gardens, infiltration areas, and bioswales or detention basins.
- (E) Stormwater appurtenances shall be integrated into the site landscape.
- (F) Ground mounted television and satellite receivers shall be screened.

(9) **Driveways.**

- (A) All driveways shall conform to the Town driveway standards.
- (B) Driveways shall be combined between adjoining parcels whenever possible.
- (C) Driveways that are constructed of permeable hard surface including pavers, porous pavement and other permeable materials, shall be exempt from the impervious surface area computations.
- (D) Clear vision triangles shall be maintained for safe ingress and egress.

(10) **Signage**

- (A) Signs shall conform to Columbia County standards where not specifically overwritten by this section.
- (B) The primary purpose of a sign shall be to identify a business located at a specific site. The sign's message should be limited to the business name or the logo of the business occupying the site.

- (C) Sign design should conform to the architectural character of the building.
- (D) Signs shall not be permitted on top of any roof and should not project above the eave line of the building.
- (E) Any signs on awnings shall be directly applied to the awning.
- (F) Multiple tenant buildings and complexes shall develop a Master Sign Program for the entire development.
- (G) No outdoor signage shall be permitted that blinks, revolves, flashes, or changes intensity.

(11) **Parking**

- (A) All parking shall be provided off-street.
- (B) Building parking design shall maximize opportunities for pedestrian and vehicular circulation between adjacent sites such as joint access easements and common driveways.
- (C) Parking shall be integrated within the project and visually de-emphasized.
- (D) Surface parking areas facing a public street shall be buffered by landscaping.
- (E) Parking design shall maximize the opportunity for shared parking, access entries, and driveways in order to minimize the number of curb cuts.

(e) **Administration and Enforcement**

- (1) **Variances.** Variances may be recommended by the Plan Commission and approved by the Town Board where literal compliance with the specifications and standards would be ineffective or unnecessary. Topographic constraints, existing vegetation, existing buildings, traffic safety, or compliance with fire or other public safety requirements or other similar issues may also necessitate variances. The Applicant shall address the following criteria when requesting a variance:
 - (A) The specific conditions that are unique to the Applicant's site that do not exist on other land.

- (B) The manner in which the strict application of the standards of this Ordinance would deprive the Applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners.
 - (C) Reasons that a variance to the standard would preserve not harm the public safety and welfare and not alter the essential aesthetics of the area.
- (2) **Fees.**
- (A) Amount. The fee for review of the design review application shall be \$125.00. The fee shall be paid at the time of submission of the application.
 - (B) Reimbursements. The applicant shall reimburse the Town for its actual cost for consulting fees and disbursements associated with the review of the proposed project, including but not limited to review by the consulting engineer, planning consultant and legal counsel. If the applicant is not the owner of the subject property, a deposit of \$800 shall be made with the Town Treasurer to be held in escrow to be drawn upon as the Town incurs the expenses. If necessary, the escrow shall be replenished if the review expenses exceed or are likely to exceed the remaining amount. Unpaid consultant expenses incurred in reviewing owner applications shall be collected as a special charge pursuant to Wis. Stats. §66.0627.
- (3) **Penalties.** Any person violating any provision of this Section shall, upon conviction, pay penalties in accordance with Section 1-1-6 of the Lodi Municipal Code. Each day a violation continues shall be deemed a separate violation. Nothing herein shall preclude the Town from maintaining a separate action to prevent, abate, or remove violations.
- (4) **Development Agreement.** To assure that the approved plans, terms, and conditions of site plan approval will be met, the Town Board may require the Applicant and/or property owner to enter into a development agreement with the Town that specifies responsibilities. Such agreement shall be signed and executed prior to the issuance of a building permit.
- (5) **Severability.** The provisions of this Section shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Section irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of the Section and the application of such provisions to other persons or circumstances shall not be affected thereby.”

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Lodi held on the _____ day of _____, 2009.

TOWN OF LODI

John H. Pickle, Jr. Town Chairperson

Bob Collins, Supervisor

James Schommer, Supervisor

Ron Kohn, Supervisor

Jerry Ritchie, Supervisor

ATTEST:

April D. Goeske, Town Clerk

VOTE:

AYES: _____

NOES: _____

ADOPTED: _____

PUBLISHED: _____